

CENTRAL ADMINISTRATIVE TRIBUNAL

PATNA BENCH, PATNA

OA No.130/2006

Date of order : 23rd February, 2006

C O R A M

Hon'ble Mr. Justice P.K.Sinha, Vice-Chairman

Uma Kant Pathak Applicant.

Vrs.

Union of India & Ors. Respondents.

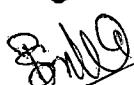
Counsel for the applicant : Shri N.G.Mishra

Counsel for the respondents : Shri A.A.Khan, ld. SC

O R D E R [ORAL]

Justice P.K.Sinha, VC :-

Heard the ld. counsel for the applicant and the learned standing counsel for the respondents. The applicant's case is that he was an employee under the railways and had superannuated while working as Diesel Engine Driver w.e.f. 31.12.1993, but three months before his retirement an accident occurred on 9.9.2093, but on a preliminary inquiry by the department he was not found guilty for the said accident but a criminal case was instituted against him under provisions of the Penal Code as well as Railway Act.



Taking into consideration the criminal case, the applicant was only paid provisional pension and provident fund but till now neither regular pension has been fixed nor commutation of pension, nor his gratuity was paid. Ultimately, by an order dated 27.9.2001 recorded by the Judicial Magistrate, Railways at Patna, the applicant was acquitted of the charges framed against him. Thereafter, the applicant submitted his representation in the office of Division Railway Manager, Danapur for payment of the rest of his retiral dues but he received nothing beyond oral assurances. Lastly, he sent a representation dated 10.8.2005 [Annexure-A/2] but has not received any reply.

2. This is a case in which, after acquittal of the applicant in the criminal case for which he has claimed his rest of retiral dues were withheld, the authorities should have considered the matter and should have paid to him, if such amount would have been found in his favour.

3. The standing counsel submits that Annexure-A/2, a representation, which the applicant claims, is still pending, hence the concerned officer may be given an opportunity to consider and pass appropriate orders. I agree.

4. This application is, therefore, disposed of with direction to the Divisional Railway Manager, North Eastern Railway, Danapur at Patna who figures as Respondent No.1 at the body of the application to take a



decision on the pending representation of the applicant within three months of the receipt of a copy of the order. If the amount found to be due to be paid to the applicant on account of his retiral dues, besides computing his full pension and arrears of that, the same should be paid to him within a month of the order failing which the amount would be payable with interest @ 8 per cent per annum commencing from the expiry of the period of one month of the disposal of his representation.

5. With the aforesaid directions, this application is disposed of.



[P.K. Sinha]
Vice-Chairman

mps.